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7 Attorneys for Defendant
WELLS FARGO BANK, N.A. (erroneously sued herein as
8 "WELLS FARGO BANK, a California Corporation")

9 UNITED STATES DISTRICT COURT
10 CENTRAL DISTRICT OF CALIFORNIA - SOUTHERN DIVISION

11
12 JESSICA URSO, an individual,

13 Plaintiff,

14 vs.

15 WELLS FARGO BANK, a California
Corporation, and DOES 1 through 20,
16 inclusive,

17 Defendant.
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CASE NO. **SACV10-00091 JVS(RNBX)**

(Orange County Superior Court Case No.
30-2009 00290980)

**NOTICE OF REMOVAL OF CIVIL
ACTION TO THE UNITED STATES
DISTRICT COURT UNDER 28 U.S.C.
SECTIONS 1441(b), (c), 1446(b), 1367(a)**

FILED
2010 JAN 21 AM 10:13
CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
SANTA ANA
BY: _____

1 TO THE UNITED STATES DISTRICT COURT FOR THE CENTRAL
2 DISTRICT OF CALIFORNIA, PLAINTIFF JESSICA URSO AND HER
3 ATTORNEYS OF RECORD:

4
5 PLEASE TAKE NOTICE THAT, based on the following, Defendant
6 Wells Fargo Bank, N.A. (erroneously sued herein as "Wells Fargo Bank, a
7 California Corporation") (hereinafter "Wells Fargo") hereby removes to this Court
8 the state court action described below.

9
10 1. On August 4, 2009, an action was commenced in the Superior
11 Court of the State of California in and for the County of Orange, entitled "JESSICA
12 URSO, an individual v. WELLS FARGO BANK, a California Corporation, and
13 DOES 1 through 20, inclusive," Case Number 30-2009 00290980. The Complaint
14 alleges causes of action for: (1) Pregnancy Discrimination, (2) Unlawful Denial of
15 Family Leave, (3) Wrongful Termination, and (4) Waiting Time Penalties - Late
16 Payment of Wages. A true and correct copy of the Complaint, Summons, Civil
17 Case Cover Sheet, and Certificate of Service are attached hereto as Exhibit "A."

18
19 2. As stated above, Plaintiff Jessica Urso's ("Plaintiff") complaint
20 alleges a cause of action for "Unlawful Denial of Family Leave," but it is not
21 apparent on the face of the document, and thus was not apparent at the time
22 Plaintiff served her complaint on Wells Fargo, whether the cause of action is
23 asserted under the State's California Family Rights Act (Cal. Gov't Code §
24 12945.2), the Federal Family Medical Leave Act (29 U.S. C. § 2601 et seq.), or
25 both. The complaint does not include a reference to either statute (or any statute) as
26 the basis of Plaintiff's claim.

1 3. On December 30, 2009, Plaintiff served by mail responses to
2 Requests for Admission propounded by Wells Fargo. Wells Fargo's Requests for
3 Admission (Set One) and Plaintiff's Responses to Requests for Admission (Set
4 One) are attached hereto as Exhibits "B" and "C," respectively. In its Request for
5 Admission No. 3, Wells Fargo asks Plaintiff to "Admit that YOUR COMPLAINT
6 does not allege a claim that DEFENDANT violated the Family Medical Leave
7 Act." Plaintiff's verified response to Request for Admission No. 3 states "Denied."
8 Therefore, it is clear from Plaintiff's response that her Complaint alleges a claim
9 under the Family Medical Leave Act.

10
11 4. A defendant has 30 days from the time it ascertains that an
12 action is removable to file and serve its removal papers. See 28 U.S.C. § 1446(b)
13 ("a notice of removal may be filed within thirty days after receipt by the defendant,
14 through service or otherwise, of a copy of an amended pleading, motion, order or
15 other paper from which it may first be ascertained that the case is one which is or
16 has become removable"). "Courts have found that a defendant may remove under
17 the "other paper" provision of Section 1446(b) based on a plaintiff's discovery
18 responses or deposition testimony." Steiner v. Horizon Moving Sys. Inc., 568 F.
19 Supp. 2d 1084, 1087 (C.D. Cal. 2008); see also Durham v. Lockheed Martin Corp.,
20 445 F.3d 1247, 1251 (9th Cir. 2006) (interrogatory responses established
21 removability).

22
23 5. Wells Fargo first ascertained that Plaintiff was asserting a
24 federal cause of action under the Family Medical Leave Act upon receipt of her
25 response to Request for Admission No. 3, served by mail on December 30, 2009.
26 This removal has been filed and served within 30 days of December 30, 2009, and
27 therefore is timely.

1 6. This action is a civil action in which this Court has original
2 jurisdiction under 28 U.S.C. § 1331, and is one which may be removed to this
3 Court by Wells Fargo pursuant to 28 U.S.C. § 1441(b) and (c), in that it arises
4 under a federal statute, specifically, the Family Medical Leave Act (29 U.S.C. §
5 2601 et seq.). This case is being removed to the Southern Division of the United
6 States District Court, Central District of California, because it was originally filed
7 and pending in the Orange County Superior Court.

8
9 7. This Court has supplemental jurisdiction over any and all
10 remaining state law claims in the Complaint under 28 U.S.C. § 1367(a), as they
11 share a common nucleus of operative facts with Plaintiff's federal claims and/or
12 form the basis of those federal claims. Convenience, judicial economy, and fairness
13 to the parties require that all of Plaintiff's claims be litigated together in a single
14 forum. 28 U.S.C. § 1367(a); United Mine Workers v. Gibbs, 383 U.S. 715, 725-26
15 (1966). These supplemental claims are, therefore, removable under 28 U.S.C. §
16 1441(c).

17
18 8. Attached hereto as Exhibit "D" is a copy of Wells Fargo's
19 Answer to Plaintiff's Unverified Complaint, which was served and filed with the
20 Superior Court for the State of California, County of Orange, on September 9,
21 2009, prior to this removal. Attached hereto as Exhibit "E" is a copy of the Notice
22 of Case Management Conference served on Wells Fargo by the Court on October
23 27, 2009. Attached hereto as Exhibit "F" are copies of the Case Management
24 Statement served by Wells Fargo on December 3, 2009, and the Case Management
25 Statement served by Plaintiff on Wells Fargo on December 4, 2009.

9. Notice of this removal is being given to both Plaintiff and to the Clerk of the Court of Orange County Superior Court. True and correct copies of these notices are attached as Exhibits "G" and "H," respectively. Proof of service of the Notice to Adverse Party of Removal to Federal Court will be filed with this Court immediately after the Superior Court filing is accomplished. Exhibits "A," "D," "E," "F," "G," and "H" constitute all process, pleadings or orders served on or by Wells Fargo in this action.

WHEREFORE, pursuant to the provisions of Title 28, Sections 1441(b), (c), 1446(b), and 1367(a) of the United States Code, Defendant removes the above action from the Superior Court of the State of California for the County of Orange to this Court.

Dated: January 20, 2010

HODEL BRIGGS WINTER LLP
GLENN L. BRIGGS
THERESA A. KADING
BETH C. KEARNEY

By: 

BETH C. KEARNEY

Attorneys for Defendant
WELLS FARGO BANK, N.A. (erroneously sued
herein as "WELLS FARGO BANK, a California
Corporation")

EXHIBIT A

SUM-100

**SUMMONS
(CITACION JUDICIAL)**

**NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):**

WELLS FARGO BANK, a California corporation, AND DOES 1 through 20, inclusive,

**YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

JESSICA URSO, an individual,

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

FILED

SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER

AUG 05 2009

ALAN CARLSON, Clerk of the Court

BY: N. DORFMAN, DEPUTY

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.eucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California (www.eucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

30-2009

The name and address of the court is:

(El nombre y dirección de la corte es):

Superior Court, State of California, 700 Civic Center Drive West,
Santa Ana, CA 92701

CASE NUMBER:
(Número del Caso):

00290980

JUDGE KAZUHARU MAKINO

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Kristine S. Karila, 2901 W. Coast Highway, Ste 200, Newport Beach, CA 92663 (949) 481-6909

DATE: **AUG 05 2009**
(Fecha)

ALAN CARLSON

Clerk, by
(Secretario)

N. DORFMAN

Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

[SEAL]

NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):

3. ☒ on behalf of (specify): Wells Fargo Bank

- under: ☒ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
☐ other (specify):

4. ☒ by personal delivery on (date): 14 Aug 09

Page 1 of 1

SUM-100

SUMMONS (CITACION JUDICIAL)

NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

WELLS FARGO BANK, a California corporation, AND DOES 1
through 20, inclusive,

YOU ARE BEING SUED BY PLAINTIFF: (LO ESTÁ DEMANDANDO EL DEMANDANTE):

JESSICA URSO, an individual,

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)**FILED**SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER

AUG 05 2009

ALAN CARLSON, Clerk of the Court

BY: N. DORFMAN DEPUTY

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

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30-2009

The name and address of the court is:
(El nombre y dirección de la corte es):

Superior Court, State of California, 700 Civic Center Drive West,
Santa Ana, CA 92701

CASE NUMBER:
(Número del Caso):

00290980

JUDGE KAZUHARU MAKINO

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Kristine S. Karila, 2901 W. Coast Highway, Ste 200, Newport Beach, CA 92663 (949) 481-6909

DATE
(Fecha) AUG 05 2009

ALAN CARLSON

Clerk, by
(Secretario)

N. DORFMAN

Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

[SEAL]

NOTICE TO THE PERSON SERVED: You are served

- ☐ as an individual defendant.
- ☐ as the person sued under the fictitious name of (specify):

- ☐ on behalf of (specify):

under: ☐ CCP 416.10 (corporation)☐ CCP 416.20 (defunct corporation)☐ CCP 416.40 (association or partnership)☐ other (specify):☐ CCP 416.60 (minor)☐ CCP 416.70 (conservatee)☐ CCP 416.90 (authorized person)

- ☐ by personal delivery on (date):

FILED

SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER

AUG 05 2009

ALAN CARLSON, Clerk of the Court

BY: N. DOREMAN DEPUTY

1 Law Office of Kristine S. Karila, SB 162239
2 2901 W. Coast Highway, Suite 200
3 Newport Beach, CA 92633
4 (949) 481-6909
5 Counsel for Plaintiff

6 SUPERIOR COURT FOR THE STATE OF CALIFORNIA

7 FOR THE COUNTY OF ORANGE, CENTRAL JUSTICE CENTER

8 JESSICA URSO, an Individual,

9
10 Plaintiff,

11 v.

12 WELLS FARGO BANK, a California
13 Corporation,
14 AND DOES 1 through 20, inclusive,

15 Defendant.
16
17

30-2009

Case No. 00290980

COMPLAINT FOR DAMAGES

Employment Discrimination: Pregnancy;
Unlawful Denial of Family Leave; wrongful
Termination; Waiting Time Penalties-
Late Payment of Wages

Claim for over \$50,000
Demand for Jury Trial

JUDGE KAZUHARU MAKINO
DEPT. C3

18
19
20 Plaintiff, Jessica Urso alleges as follows:

- 21 1. Plaintiff, Jessica Urso is an individual residing in the County of Orange,
22 State of California.
23
24 2. Defendant, Wells Fargo Bank is a California corporation doing
25 business in Orange County, State of California.
26
27 3. Plaintiff is, at this time, unaware of the true names and capacities of defendants
28

1 sued herein as DOES 1 through 20, inclusive, and therefore, sues these defendants by such
2 fictitious names. Plaintiff will amend this Complaint to allege their true names and capacities
3 when ascertained.
4

5 4. Plaintiff is informed and believes and thereon alleges that each of the fictitiously
6 named defendants is responsible in some manner for the occurrences herein alleged and that
7 Plaintiff's damages as herein alleged were proximately caused by such defendants.
8

9 5. Plaintiff is informed and believes, and thereon alleges, that at all times herein
10 mentioned each of the defendants was the agent, supervisor, and employee of each of the
11 remaining defendants and, in doing the things hereinafter alleged, was acting within the course
12 and scope of such agency and employment.
13

14 6. Prior to filing this action, Plaintiff filed a complaint with the Department of Fair
15 Employment and Housing on July 1, 2009. On or about July 3, 2009, Plaintiff was issued a Right
16 to Sue letter from Department of Fair Employment and Housing. Plaintiff provided a copy of
17 the complaint to Defendant's counsel.
18

19 STATEMENT OF FACTS

20 7. Plaintiff realleges and incorporates by reference herein all of the allegations
21 contained in paragraphs 1 through 6 of this Complaint.
22

23 8. On or about January 3, 2005, Plaintiff was hired by Defendant Wells Fargo Bank as a
24 personal banker.
25

26 9. In January, 2009, Plaintiff was employed full time at the Rancho Santa Margarita
27 branch of Wells Fargo Bank.
28

1 10. In January, 2009 Plaintiff experienced complications due to her early pregnancy and
2 was advised by her physician to reduce her work hours to thirty hours per week and to reduce
3 stress as much as possible.

4
5 11. Plaintiff's physician provided a written letter regarding Plaintiffs' pregnancy
6 complications and advised Wells Fargo Bank that Plaintiff needed to limit her work hours to
7 thirty hours per week.

8
9 12. Plaintiff submitted her physician's letter to her direct supervisor, Shaun Allen and
10 requested to work no more than thirty hours per week.

11 13. Wells Fargo Bank and Shaun Allen accommodated Ms. Urso's request and
12 scheduled her to work thirty hours per week.

13
14 14. Shaun Allen's wife was pregnant and approximately as far along with her pregnancy
15 as Ms. Urso.

16 15. Shaun Allen, Ms. Urso's direct supervisor, took it upon himself to advise Ms. Urso
17 what physical activities she could and could not do, in direct contradiction of Ms. Urso's
18 physician. Mr. Allen is not a medical practitioner.

19
20 16. Mr. Allen and Wells Fargo allowed Ms. Urso to work the reduced work schedule as
21 prescribed by her physician until April, 2009 when Mr. Allen advised Ms. Urso that she would
22 have to work forty hours or "find another job." He stated that he required her to resume
23 working forty hours in May, 2009 and provided a written schedule exceeding the thirty hour
24 limit prescribed by Ms. Urso's physician.

25
26 17. It is believed that Mr. Allen required Ms. Urso to work forty hours per week
27 because his pregnant wife, who had no pregnancy complications, was doing so.
28

1 18. In April, 2009, the Human Resources Department of Wells Fargo Bank gave Ms. Urso
2 a Medical Certification Form/Family and Medical Leave Act for her physician to complete.

3 19. Ms. Urso's physician, Sara Ramirez, M.D., completed the form stating that Ms. Urso
4 would need six to eight weeks leave from work beginning August 24, 2009 just prior to giving
5 birth and thereafter to care for her newborn baby.

6 20. Ms. Urso's husband is a military member who is deployed overseas.

7 21. Because Dr. Ramirez had already provided a letter to Wells Fargo Bank indicating
8 that Ms. Urso needed to reduce her work hours to 30 hours per week due to pregnancy
9 complications, the Family Leave form appeared to ask about leave in addition to the reduced
10 work hours already requested.

11 22. After Wells Fargo's Human Resources personnel reviewed Dr. Ramirez's completed
12 Family Leave form, Ms. Urso was advised that because she was not "completely incapacitated"
13 and not required to "lay in bed all day," that she would be required to work forty hours per
14 week and that her request for family leave time off of work just prior to the birth of her baby
15 and after the birth – to care for her newborn baby – was DENIED!

16 23. Wisely, Ms. Urso was not willing to risk her own health or that of her unborn baby.
17 Like all new mothers, Ms. Urso needed time off to give birth and to care for her infant, as the
18 law permits.

19 24. Unfortunately, Ms. Urso's pregnancy complications only permitted her to work a
20 maximum of thirty hours per week or risk harm to herself or her baby.

21 25. Ms. Urso's request to continue to work thirty hours per week and to take family
22 leave was denied and she was retaliated against by being forced to work forty hours per week
23
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1 or quit. The conduct of Wells Fargo Bank and Mr. Allen caused additional undue stress to Ms.
2 Urso, which Mr. Allen knew she needed to avoid.

3 26. Ms. Urso needed her job and wanted to stay at Wells Fargo Bank. Therefore, she
4 asked Mr. Allen if she could be demoted to a part time position or to work any position she
5 could so that she could reduce her work hours to thirty per week as advised by her physician.
6

7 27. Ms. Urso advised Mr. Allen that she would take a cut in pay if he and Wells Fargo
8 Bank would accommodate her request to work thirty hours per week and then take time off
9 just prior to giving birth and thereafter to care for her newborn baby. Mr. Allen denied her
10 requests and advised her to either work forty hours per week or "find another job."
11

12 28. Due to the ultimatum to either defy her doctor's orders and work forty hours per
13 week or "find a new job," Ms. Urso considered her employment to have been constructively
14 terminated on May 1, 2009. As such, she left her employment at Wells Fargo Bank, acting in
15 the best interests of her health and that of her unborn baby.
16

17 29. Upon information and belief, Wells Fargo Bank has a pattern and history of
18 discriminating against pregnant employees and has been sued in the past for such
19 discrimination.
20

21 30. On May 29, 2009, Ms. Urso's counsel submitted a letter to Wells Fargo Bank,
22 outlining Ms. Urso's claims of discrimination and violating her right to family leave and
23 pregnancy disability accommodation. That letter has never been responded to by Wells Fargo
24 Bank or its in-house counsel. The only response on behalf of Wells Fargo Bank was submitted
25 by an in-house attorney who, on June 15, 2009, stated that "the Wells Fargo Law Department is
26
27
28

1 currently investigating the matter brought forth in your letter, and will provide you a response
2 as soon as possible."

3
4 31. Six weeks has passed and Wells Fargo has still not replied to Ms. Urso's claim of
5 discrimination based upon pregnancy and failure to provide a pregnant employee with
6 reasonable accommodations or family leave, as is required by law. It appears that Wells Fargo
7 does not care about its pregnant employees, fails to provide the required training for its
8 supervisors and other employees with regard to pregnancy disability leave or family leave and
9 fails to take claims of pregnant employees seriously. Time off for pregnancy complications or
10 to give birth appears to be viewed by Wells Fargo Bank as a burden which costs the bank
11 money.
12

13
14 **FIRST CAUSE OF ACTION**

15 **(PREGNANCY DISABILITY DISCRIMINATION)**

16 32. Plaintiff reasserts paragraphs 1 through 31 set forth above as though fully set forth
17 herein.
18

19 33. California law requires an employer to accommodate a pregnant employee who is
20 disabled in any way by her pregnancy. In fact, California law requires an employer to allow the
21 employee four full months (640 hours total) plus an additional twelve weeks under family leave
22 laws to care for herself and/or her unborn or newborn baby.
23

24 34. California law allows pregnancy disability leave to be taken intermittently or on a
25 reduced work schedule when medically advisable, as determined by the employee's health care
26 provider.
27
28

1 Ramirez stated that Ms. Urso needed six to eight weeks to give birth and then care for her
2 infant.

3 40. On or about April 22, 2009, Ms. Urso provide the completed Medical Certification
4 Form to Wells Fargo Bank.

5 41. Shortly after the bank's receipt of the completed Medical Certification form, Ms.
6 Urso was advised by Wells Fargo Bank's Human Resources Department that her request for
7 family leave for the purpose of giving birth and then caring for her newborn baby was denied.
8

9 42. Ms. Urso asked why her request was denied and was advised that because she was
10 not "completely incapacitated" and not required to "lay in bed all day," she was ineligible for
11 family leave.
12

13 43. Ms. Urso was entitled to family leave, having fulfilled all prerequisites for the same,
14 including the length of time of service and hours worked.
15

16 44. Wells Fargo Bank is an employer which is required to provide family leave to
17 eligible employees.
18

19 45. Wells Fargo Bank's denial of Ms. Urso's request for family leave to give birth and
20 then care for her infant was a violation of Ms. Urso's rights.

21 46. Upon information and belief, Wells Fargo Bank has a pattern and history of
22 discrimination against pregnant employees.
23

24 47. As a proximate result of Wells Fargo Bank's denial of Ms. Urso's request to take
25 family leave and its demand that she work full time regardless of pregnancy complications or
26 "find a new job", Ms Urso considered her employment to be constructively terminated on May
27 1, 2009.
28

(Wrongful Termination)

50. In April, 2009, Shaun Allen, Manager of Wells Fargo Bank advised Ms. Urso that her requests for a reasonable accommodation related to her pregnancy complications, including her request for a reduced work schedule, transfer to part time, demotion, and reduction in pay were denied and that even though she suffered pregnancy complications, she would need to work forty hours per week or "find another job" as of May 1, 2009.

52. Ms. Urso's physician prescribed a maximum of a thirty hour work week and completed a Medical Certification advising Wells Fargo Bank that Ms. Urso needed to take an additional six to eight weeks, under family leave laws, in August, 2009 to give birth and then care for her newborn baby. Wells Fargo Bank despicably refused to accommodate Ms. Urso's and her unborn baby's medical needs, and instead required Ms. Urso to incur medical risks which her physician prescribed against or "find another job."

1 53. Because Ms. Urso chose not to incur medical risks to her own health or that of her
2 unborn baby, she denied the demand to work the forty hour schedule provided to her to begin
3 May 1, 2009. Ms. Urso asked Mr. Allen once again if he would accommodate her request to
4 work thirty hours per week and offered a cut in pay, demotion, etc. Mr. Allen replied with the
5 ultimatum that Ms. Urso either work at her job forty hours per week or "find a new job." As
6 such, Ms. Urso considered her employment to be constructively terminated on May 1, 2009.
7

8 54. Wells Fargo Bank's unlawful refusal to provide family leave to Ms. Urso, coupled
9 with Mr. Allen's ultimatum that Ms. Urso either work forty hours per week, against her
10 physician's advice or "find a new job," resulted in the wrongful termination of Ms. Urso's
11 employment. The termination of her employment was based upon Wells Fargo Bank's
12 discrimination against pregnant employees.
13
14

15 55. Wells Fargo Bank's and Mr. Allen's conduct were in violation of public policy and
16 laws governing employment leave of pregnant employees and mothers of newborn babies.
17

18 56. As a proximate result of Defendant's conduct, Plaintiff has suffered harm, including
19 lost earnings and other employment benefits, humiliation, embarrassment and mental anguish
20 in an amount to be proved at trial.
21

22 **FOURTH CAUSE OF ACTION**

23 **(Waiting Time Penalties for Late Payment of Wages)**

24 57. Plaintiff reasserts paragraphs 1 through 56 above as though fully set forth herein.

25 58. Plaintiff's employment at Wells Fargo Bank was constructively terminated on May
26 1, 2009.
27
28

1 59. California law provides that when an employee is terminated, the employee's final
2 pay check must be paid immediately.

3 60. Wells Fargo Bank did not provide Ms. Urso's final paycheck until May 15, 2009 –
4
5 Fifteen days after her employment was constructively terminated.

6 61. California law provides that if an employer fails to provide an employee's final pay
7 check immediately upon termination, waiting time penalties of one day's pay for each day the
8 employee waits to receive final pay is incurred against the employer.

9
10 62. Because of the late payment of Ms. Urso's wages, Wells Fargo Bank has incurred
11 waiting time penalties of fourteen days' pay in the amount of \$158.40 per day for a total of
12 \$2217.60.

13 63. California law provides that when an employer willfully fails to provide an
14 employee's final pay to the employee immediately upon termination, the employer shall pay
15 the employee's attorneys' fees and court costs.
16

17
18
19 WHEREFORE, Plaintiff prays for judgment as follows:

20 1. For back pay, front pay, and other monetary relief according to proof;
21 2. For general damages in the sum of at least \$50,000, according to proof;
22 3. For punitive damages in an amount appropriate to punish defendant for its
23 wrongful conduct and pattern of discrimination against pregnant employees and set an
24 example for others;
25

26 4. For interest;

27 5. Waiting time penalties for late payment of wages;
28

1 6. For reasonable attorneys' fees and costs, including expert witness fees;

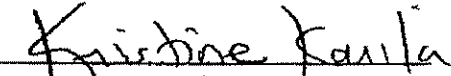
2 7. For costs of suit herein incurred; and

3 8. For such other and further relief as the court deems proper.

4
5 DATED: August 4, 2009

LAW OFFICE OF KRISTINE S. KARILA

6
7 By



8 Kristine S. Karila

9 Counsel to Plaintiff, Jessica Urso

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Law Office of Kristine S. Karila, SB 162239 2901 W. Coast Highway, Suite 200 Newport Beach, CA 92663 TELEPHONE NO.: 949-481-6909 FAX NO.: ATTORNEY FOR (Name): Jessica Urso		FOR COURT USE ONLY FILED SUPERIOR COURT OF CALIFORNIA COUNTY OF ORANGE CENTRAL JUSTICE CENTER AUG 05 2009 ALAN CARLSON, Clerk of the Court BY: <u>N. DORFMAN</u> DEPUTY	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Orange STREET ADDRESS: 700 Civic Center Drive West MAILING ADDRESS: CITY AND ZIP CODE: Santa Ana, CA 92701 BRANCH NAME: Central Justice Center			
CASE NAME: Urso v. Wells Fargo Bank			
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000)		<input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)	
<input checked="" type="checkbox"/> Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)		CASE NUMBER: 30-2009 JUDGE: 00290980 DEPT:	

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input checked="" type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
---	--	--

2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

a. <input type="checkbox"/> Large number of separately represented parties b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve c. <input type="checkbox"/> Substantial amount of documentary evidence	d. <input type="checkbox"/> Large number of witnesses e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court f. <input type="checkbox"/> Substantial postjudgment judicial supervision
--	--

3. Remedies sought (check all that apply): a. ☒ monetary b. ☐ nonmonetary; declaratory or injunctive relief c. ☐ punitive

4. Number of causes of action (specify): four

5. This case ☐ is ☒ is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: August 4, 2009

Kristine S. Karila

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

SUPERIOR COURT OF CALIFORNIA ORANGE COUNTY – CENTRAL JUSTICE CENTER CIVIL DEPARTMENT CALENDAR SCHEDULING CHART Ex Parte applications must comply with California Rules of Court, rules 3.1200 – 3.1207 Court Local Rules are located at www.occourts.org							
Dept.	Judicial Officer	Motion Days and Time	Ex Parte Days and Time	Telephonic Notice to Courtroom the day before the hearing but no later than:	Ex Parte Application and Proposed Order presented to the court the day before the hearing but no later than:	Rulings posted on Internet?	Other Call for available dates.
C12	MOBERLY 714-834-4656	Friday 2:00 p.m.	M,W,Th,F 1:30 p.m.	Noon	3:00 p.m.	Yes - 4:30 p.m. the day before	If there is no appearance for argument, the court will order the tentative ruling to become effective and final the date of the hearing. To schedule an ex parte matter the moving party/attorney shall contact the courtroom clerk (714) 834-4656 to reserve a date no later than noon, the day prior to the hearing.
C18	MONROE 714-834-4694	Tuesday 2:00 p.m.	T,W,Th 8:30 a.m.	Noon	4:00 p.m.	Yes - by 4:00 p.m. the day before	If Monday is a holiday, law and motion is heard on Thursday at 2:00 p.m.
C23	MOSS 714-834-4608	Friday 10:00 a.m.	Daily 8:30 a.m.	Not required	12:00 p.m.	Yes - by 4:00 p.m. the day before	Teleconference appearances are voluntary and do not require consent by court or other parties. However, the court reserves the right to reject any request. Teleconference appearances are conducted in conformity with the guidelines, which are available by calling CourtCall, LLC at (310) 914-7884 or (888) 88-COURT
C13	MUÑOZ 714-834-3700	Thursdays at 2:00 pm	M, T, W, Th 8:30 a.m.	10:00 a.m.	Noon	Yes - by 4:00 p.m. the day before	
C64	MYERS 714-834-4370	Thursday Unlimited/Omnif 1:30 p.m. Limited 2:30 p.m.	M, T, W, Th 1:30 p.m. Fri 11:00 a.m.- emergency only	4:00 p.m.	M, T, W, Th, 10:00 a.m. day of ex parte; Friday, 9:00 a.m. day of ex parte	No	
C4	NAKAMURA 714-834-5135	Thursday 2:00 p.m.	M, T, W, Th 1:30 p.m.	24 hours, the day before the hearing	M, T, W, Th, 10:00 a.m. day of ex parte	Yes - by 4:00 p.m. the day before	Counsel must reserve a motion date with the courtroom, prior to setting the motion.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name & Address): Telephone No.: _____ Fax No. (Optional): _____ E-Mail Address (Optional): _____ Bar No.: _____ ATTORNEY FOR (Name): _____		FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE JUSTICE CENTER: <input checked="" type="checkbox"/> Central - 700 Civic Center Dr. West, Santa Ana, CA 92701-4045 <input type="checkbox"/> Civil Complex Center - 751 W. Santa Ana Blvd., Santa Ana, CA 92701-4512 <input type="checkbox"/> Harbor-Laguna Hills Facility - 23141 Moulton Pkwy., Laguna Hills, CA 92653-1251 <input type="checkbox"/> Harbor - Newport Beach Facility - 4601 Jamboree Rd., Newport Beach, CA 92660-2595 <input type="checkbox"/> North - 1275 N. Berkeley Ave., P.O. Box 5000, Fullerton, CA 92838-0500 <input type="checkbox"/> West - 8141 13 th Street, Westminster, CA 92683-0500		
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:		
ALTERNATIVE DISPUTE RESOLUTION (ADR) STIPULATION		CASE NUMBER:

Plaintiff(s)/Petitioner(s), _____

and defendant(s)/respondent(s), _____

agree to the following dispute resolution process:

- ☐ Mediation
- ☐ Arbitration (must specify code)
- ☐ Under section 1141.11 of the Code of Civil Procedure
- ☐ Under section 1280 of the Code of Civil Procedure
- ☐ Neutral Case Evaluation
- ☐ Other (specify): _____

The ADR process must be completed no later than 90 days after the date of this Stipulation.

- ☐ Plaintiff(s)/Petitioner(s) and defendant(s)/respondent(s) further agree as follows:

- ☐ The ADR Neutral Selection and Party List is attached to this Stipulation.

We understand that there may be a charge for services provided by neutrals. We understand that participating in an ADR process does not extend the time periods specified in California Rules of Court rule 3.720 et seq.

Date: _____ (SIGNATURE OF PLAINTIFF OR ATTORNEY) (SIGNATURE OF PLAINTIFF OR ATTORNEY)

Date: _____ (SIGNATURE OF DEFENDANT OR ATTORNEY) (SIGNATURE OF DEFENDANT OR ATTORNEY)

ALTERNATIVE DISPUTE RESOLUTION (ADR) STIPULATION

Approved for Optional Use
L1270 (Rev February, 2008)

California Rules of Court, rule 3.221



CORPORATION SERVICE COMPANY*

Notice of Service of Process

DKS / ALL
Transmittal Number: 6899402
Date Processed: 08/14/2009

Primary Contact: Diana Benda
Wells Fargo Financial, Inc.
800 Walnut Street
Des Moines, IA 50309

Entity:	Wells Fargo Bank, National Association Entity ID Number 2013649
Entity Served:	Wells Fargo Bank
Title of Action:	Jessica Urso vs. Wells Fargo Bank
Document(s) Type:	Summons/Complaint
Nature of Action:	Labor / Employment
Court:	Orange County Superior Court, California
Case Number:	30-2009-00290980
Jurisdiction Served:	California
Date Served on CSC:	08/14/2009
Answer or Appearance Due:	30 Days
Originally Served On:	CSC
How Served:	Personal Service
Plaintiff's Attorney:	Kristine S. Karila 949-481-6909

Information contained on this transmittal form is for record keeping, notification and forwarding the attached document(s). It does not constitute a legal opinion. The recipient is responsible for interpreting the documents and taking appropriate action.

To avoid potential delay, please do not send your response to CSC
CSC is SAS70 Type II certified for its Litigation Management System.
2711 Centerville Road Wilmington, DE 19808 (888) 690-2882 | sop@cscinfo.com

EXHIBIT B

1 GLENN L. BRIGGS (SB# 174497)
Email: gbriggs@hbwillp.com
2 THERESA A. KADING (SB# 211469)
Email: tkading@hbwillp.com
3 BETH C. KEARNEY (SB# 234762)
Email: bkearney@hbwillp.com
4 HODEL BRIGGS WINTER LLP
8105 Irvine Center Drive, Suite 1400
5 Irvine, CA 92618
Telephone: (949) 450-8040
6 Facsimile: (949) 450-8033

7 Attorneys for Defendant
WELLS FARGO BANK, N.A. (erroneously sued
8 herein as "WELLS FARGO BANK, a California Corporation")

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF ORANGE, CENTRAL JUSTICE CENTER
11

12 JESSICA URSO, an individual,

13 Plaintiff,

14 vs.

15 WELLS FARGO BANK, a California
16 Corporation, and DOES 1 through 20,
inclusive,

17 Defendant.
18
19

CASE NO. 30-2009 00290980

Assigned for All Purposes to The Honorable
Kazuharu Makino, Department C3

**WELLS FARGO BANK, N.A.'S
REQUEST FOR ADMISSIONS TO
PLAINTIFF JESSICA URSO**

[Complaint Filed: August 5, 2009]

20
21
22 PROPOUNDING PARTY: WELLS FARGO BANK, N.A.

23 RESPONDING PARTY: JESSICA URSO

24 SET NO.: ONE
25
26
27
28

1 Pursuant to California Code of Civil Procedure Sections 2033.010, *et seq.*,
2 Defendant WELLS FARGO BANK, N.A. (hereinafter "Defendant") hereby requests that
3 plaintiff Jessica Urso ("Plaintiff") admit the following facts within (35) days after service
4 of these requests by mail.

5
6 **REQUEST FOR ADMISSION**

7
8 **REQUEST FOR ADMISSION NO. 1:**

9 Admit that YOUR COMPLAINT does not allege a claim that DEFENDANT
10 violated the California Family Rights Act.

11 As used herein, the terms "YOU" and "YOUR" refer to plaintiff Jessica Urso.

12 As used herein, the term "COMPLAINT" refers to plaintiff's complaint on file
13 herein.

14 As used herein, the term "DEFENDANT" refers to defendant Wells Fargo Bank,
15 N.A.

16
17 **REQUEST FOR ADMISSION NO. 2:**

18 Admit that DEFENDANT did not violate the California Family Rights Act.

19
20 **REQUEST FOR ADMISSION NO. 3:**

21 Admit that YOUR COMPLAINT does not allege a claim that DEFENDANT
22 violated the Family Medical Leave Act.

1 **REQUEST FOR ADMISSION NO. 4:**

2 Admit that DEFENDANT did not violate the Family Medical Leave Act.

3
4 Dated: November 5, 2009

HODEL BRIGGS WINTER LLP
GLENN L. BRIGGS
THERESA A. KADING
BETH C. KEARNEY

7
8 By: 

BETH C. KEARNEY

9 Attorneys for Defendant
10 WELLS FARGO BANK, N.A.
11
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PROOF OF SERVICE

STATE OF CALIFORNIA)
) ss:
 COUNTY OF ORANGE)

I am employed in the County of Orange, State of California. I am over the age of 18, and not a party to the within action. My business address is Hodel Briggs Winter LLP, 8105 Irvine Center Drive, Suite 1400, Irvine, CA 92618.

On November 5, 2009, I served the foregoing document(s) described as: **WELLS FARGO BANK, N.A.'S REQUEST FOR ADMISSIONS TO PLAINTIFF JESSICA URSO** on the interested parties by placing a true and correct copy thereof in a sealed envelope(s) addressed as follows:

Kristine S. Karila
 Law Offices of Kristine S. Karila
 2901 W Coast Highway, Ste 200
 Newport Beach, CA 92660
 T: 949-481-6909
 F: 949-481-6910

☒ **BY MAIL:** I caused such envelope, with postage thereon fully prepaid, to be placed in the United States mail at Irvine, California. I am readily familiar with the practice of Hodel Briggs Winter LLP for collection and processing correspondence for mailing. Under that practice, it would be deposited with the United States Postal Service on that same day with postage thereon fully prepaid at Irvine, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☐ **BY FACSIMILE:** I caused said document(s) to be transmitted to a facsimile machine maintained by the office of the addressee(s) at the facsimile machine number(s) indicated. Said facsimile number(s) are the most recent numbers appearing on documents filed and served by the addressee(s). I received electronic confirmation from the facsimile machine that said document was successfully transmitted without error. A copy of said electronic confirmation is maintained in this office.

☐ **BY OVERNIGHT DELIVERY:** I am readily familiar with the practice of Hodel Briggs Winter LLP for the collection and processing of correspondence for overnight delivery and know that the document(s) described herein will be deposited in a box or other facility regularly maintained by Federal Express for overnight delivery.

☒ **STATE:** I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on November 5, 2009, at Irvine, California.


 Valerie Beechler

EXHIBIT C

RECEIVED

DEC 31 2009

HODEL BRIGGS WINTER LLP

LAW OFFICE OF KRISTINE S. KARILA (SB 162239)
 2901 W. Coast Highway, Suite 200
 Newport Beach, CA 92633
 (949) 481-6909
 Counsel for Plaintiff

SUPERIOR COURT FOR THE STATE OF CALIFORNIA
 FOR THE COUNTY OF ORANGE, CENTRAL JUSTICE CENTER

JESSICA URSO, an individual,)

Case No. 30-2009-00290980

Plaintiff,)

Assigned for All Purposes to The
 Honorable Kazuharu Makino
 Dept. C3

v.)

**PLAINTIFF JESSICA URSO'S
 RESPONSE TO DEFENDANT'S
 REQUEST FOR ADMISSIONS**

WELLS FARGO BANK, a California
 Corporation,)
 AND DOES 1 through 20, inclusive,)

Defendant.)

Claim for over \$50,000
 Demand for Jury Trial

PROPOUNDING PARTY: WELLS FARGO BANK, N.A.

RESPONDING PARTY: JESSICA URSO

SET NO. ONE

1 Pursuant to California Code of Civil Procedure Sections 2033.201, et seq., Plaintiff Jessica
2 Urso (hereinafter "Plaintiff") hereby submits her responses to Defendant Wells Fargo Bank,
3 N.A.'s Request for Admissions (Set One.)
4

5
6 **RESPONSE TO REQUEST FOR ADMISSION 1:**

7 Denied.

8
9 **RESPONSE TO REQUEST FOR ADMISSION 2:**

10 Denied.

11 **RESPONSE TO REQUEST FOR ADMISSION 3:**

12 Denied.

13
14 **RESPONSE TO REQUEST FOR ADMISSION 4:**

15 Denied.
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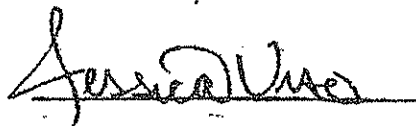
VERIFICATION

I read Plaintiff Jessica Urso's Response to Defendant's Request for Admissions and know its contents. I am a party to this action.

The answers I reviewed contained therein are true to the best of my knowledge.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed at Orange County, California on this 24 day of December, 2009.



Jessica Urso

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF ORANGE

I, the undersigned, am employed in the aforesaid county; I am over the age of 18 years and not a party to this action; my business address is 2901 W. Coast Highway, Suite 200, Newport Beach, CA 92663.

On December 30, 2009, I served the document entitled Plaintiff Jessica Urso's Response to Defendant's Request for Admissions by placing a true copy thereof, enclosed in a sealed envelope, addressed as follows:

Theresa A. Kading, Esq.
Hodel Briggs Winter, LLP
8105 Irvine Center Drive, Suite 1400
Irvine, CA 92618

XX BY MAIL

On December 30, 2009, I deposited a sealed envelope containing the document described above in the mail at Laguna Niguel, CA. The envelope was mailed with postage thereon fully prepaid.

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice, it would be deposited with the U.S. Postal Service on that same day, with postage thereon fully prepaid, at Laguna Niguel, CA, in the ordinary course of business. I am aware that, on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing an affidavit.

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on December 30, 2009 at Laguna Niguel, California.



Kristine S. Karila

EXHIBIT D

1 THERESA A. KADING (SB# 211469)
Email: tkading@hbwillp.com
2 ADRIANNE E. MARSHACK (SB# 253682)
Email: amarshack@hbwillp.com
3 HODEL BRIGGS WINTER LLP
8105 Irvine Center Drive, Suite 1400
4 Irvine, CA 92618
Telephone: (949) 450-8040
5 Facsimile: (949) 450-8033

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER

SEP 09 2009

ALAN CARLSON, Clerk of the Court

BY: R. LUCEY, DEPUTY

6 Attorneys for Defendant
WELLS FARGO BANK, N.A. (erroneously sued herein as
7 "Wells Fargo Bank, a California Corporation")

8
9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF ORANGE, CENTRAL JUSTICE CENTER

11 JESSICA URSO, an individual,

12 Plaintiff,

13 vs.

14 WELLS FARGO BANK, a California
15 Corporation, AND DOES 1 through
16 20, inclusive,

17 Defendant.

CASE NO. 30-2009 00290980

Assigned for All Purposes to The Honorable
Kazuharu Makino, Department C3

**DEFENDANT WELLS FARGO BANK,
N.A.'S ANSWER TO PLAINTIFF'S
UNVERIFIED COMPLAINT FOR
DAMAGES**

[Complaint Filed: August 5, 2009]

COPY

1 Defendant Wells Fargo Bank, N.A. (erroneously sued herein as "Wells Fargo
2 Bank, a California Corporation") (hereinafter "Defendant"), answers the unverified
3 Complaint ("Complaint") of plaintiff Jessica Urso (hereinafter "Plaintiff") as follows:
4

5 **GENERAL DENIAL**
6

7 Pursuant to California Code of Civil Procedure Section 431.30(d), Defendant
8 denies generally and specifically each and every allegation in the Complaint. Defendant
9 further denies, generally and specifically, that Plaintiff is entitled to the relief requested, or
10 that Plaintiff has been or will be damaged in any sum, or at all, by reason of any act or
11 omission on the part of Defendant, or any of its past or present agents, representatives, or
12 employees, acting in the course and scope of their employment.
13

14 **AFFIRMATIVE DEFENSES**
15

16 **FIRST AFFIRMATIVE DEFENSE**

17 1. The Complaint, and each purported cause of action contained therein,
18 fails to state facts sufficient to constitute a cause of action.
19

20 **SECOND AFFIRMATIVE DEFENSE**

21 2. The Complaint, and each purported cause of action contained therein,
22 is barred in whole or in part by all applicable statutes of limitation, including but not
23 limited to California Civil Procedure Code Sections 335.1, 338, 340, and 343, California
24 Government Code Section 12965, and California Labor Code Section 203.
25
26
27
28

EIGHTH AFFIRMATIVE DEFENSE

8. Defendant denies that it discriminated or retaliated against Plaintiff. However, if Plaintiff proves Defendant's acts, or any of them, were discriminatory or retaliatory, Plaintiff is not entitled to damages because Defendant would have made the same decision regardless of the alleged discriminatory or retaliatory grounds.

NINTH AFFIRMATIVE DEFENSE

9. The Complaint, and each purported cause of action contained therein, is barred in whole or in part because Plaintiff unreasonably failed to take advantage of any preventive or corrective opportunities provided by Defendant or otherwise to avoid harm.

TENTH AFFIRMATIVE DEFENSE

10. Plaintiff's claims are barred, in whole or in part, because Plaintiff is not entitled to any greater rights than she would have had if she had been employed throughout a leave of absence. Cal. Code Reg. 7291.9(c); 7297.2(c). Plaintiff would not otherwise have been employed in her same position for legitimate business reasons unrelated to her pregnancy or her request for leave.

ELEVENTH AFFIRMATIVE DEFENSE

11. Defendant cannot be liable for any alleged injury, as any allegedly unlawful conduct was outside the course and scope of employment of the employee(s) involved.

TWELFTH AFFIRMATIVE DEFENSE

12. Defendant did not authorize, direct or participate in any alleged discriminatory or retaliatory conduct.

1 THIRTEENTH AFFIRMATIVE DEFENSE

2 13. By virtue of Plaintiff's action or inaction, she is estopped as to any
3 and all rights she may have under the facts alleged in the Complaint and each purported
4 cause of action contained therein.

5
6 FOURTEENTH AFFIRMATIVE DEFENSE

7 14. By her conduct, Plaintiff has waived some or all of the causes of
8 action asserted in the Complaint.

9
10 FIFTEENTH AFFIRMATIVE DEFENSE

11 15. Plaintiff's causes of action, alleging wrongful termination, are barred
12 because Defendant did not terminate Plaintiff's employment.

13
14 SIXTEENTH AFFIRMATIVE DEFENSE

15 16. Plaintiff is barred from recovering penalties pursuant to California
16 Labor Code Section 203 because: (a) Plaintiff has failed to plead facts sufficient to
17 support allegations of willfulness; and (b) neither Defendant nor any agent or employee of
18 Defendant acted willfully in failing to pay wages due, if any, to Plaintiff.

19
20 SEVENTEENTH AFFIRMATIVE DEFENSE

21 17. Plaintiff's claims for penalties pursuant to California Labor Code
22 Section 203 are barred, in whole or in part, because Defendant had a reasonable, honest
23 and good faith belief that all of the wages earned by Plaintiff had been paid to Plaintiff
24 and those similarly situated, if any, in a timely and lawful manner at the time they were
25 owed.

EIGHTEENTH AFFIRMATIVE DEFENSE

18. Plaintiff is barred from recovering punitive damages because Defendant had in place a policy to prevent discrimination and retaliation, and made good faith efforts to implement and enforce that policy.

NINETEENTH AFFIRMATIVE DEFENSE

19. Defendant reserves the right to assert additional affirmative defenses as discovery proceeds and it becomes aware of additional facts and circumstances that provide the basis for additional affirmative defenses.

PRAAYER

WHEREFORE, Defendant prays as follows:

1. That Plaintiff take nothing by reason of her Complaint and Judgment be entered in favor of Defendant;
2. That the Complaint herein be dismissed in its entirety with prejudice, and that judgment be entered for Defendant and against Plaintiff;
3. That Defendant be awarded its costs of suit and attorneys' fees incurred herein; and

1 4. For such other and further relief as the Court deems just and proper.
2
3

4 Dated: September 9, 2009

HODEL BRIGGS WINTER LLP
THERESA A. KADING
ADRIANNE E. MARSHACK

6
7 By: 
8

ADRIANNE E. MARSHACK

9 Attorneys for Defendant.
10 WELLS FARGO BANK, N.A. (erroneously sued
11 herein as "Wells Fargo Bank, a California
12 Corporation")
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PROOF OF SERVICE

STATE OF CALIFORNIA)
) ss:
 COUNTY OF ORANGE)

I am employed in the County of Orange, State of California. I am over the age of 18, and not a party to the within action. My business address is Hodel Briggs Winter LLP, 8105 Irvine Center Drive, Suite 1400, Irvine, CA 92618.

On September 9, 2009, I served the foregoing document(s) described as:
DEFENDANT WELLS FARGO BANK, N.A.'S ANSWER TO PLAINTIFF'S UNVERIFIED COMPLAINT FOR DAMAGES on the interested parties by placing a true and correct copy thereof in a sealed envelope(s) addressed as follows:

Kristine S. Karila
 Law Offices of Kristine S. Karila
 2901 W Coast Highway, Ste 200
 Newport Beach, CA 92660
 T: 949-481-6909

☒ **BY MAIL:** I caused such envelope, with postage thereon fully prepaid, to be placed in the United States mail at Irvine, California. I am readily familiar with the practice of Hodel Briggs Winter LLP for collection and processing correspondence for mailing. Under that practice, it would be deposited with the United States Postal Service on that same day with postage thereon fully prepaid at Irvine, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☐ **BY FACSIMILE:** I caused said document(s) to be transmitted to a facsimile machine maintained by the office of the addressee(s) at the facsimile machine number(s) indicated. Said facsimile number(s) are the most recent numbers appearing on documents filed and served by the addressee(s). I received electronic confirmation from the facsimile machine that said document was successfully transmitted without error. A copy of said electronic confirmation is maintained in this office.

☐ **BY OVERNIGHT DELIVERY:** I am readily familiar with the practice of Hodel Briggs Winter LLP for the collection and processing of correspondence for overnight delivery and know that the document(s) described herein will be deposited in a box or other facility regularly maintained by Federal Express for overnight delivery.

☒ **STATE:** I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on September 9, 2009, at Irvine, California.


 Valerie Beechler

EXHIBIT E

Cal

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE STREET ADDRESS: 700 W. Civic Center Drive MAILING ADDRESS: P.O. Box 22014 CITY AND ZIP CODE: Santa Ana 92702 BRANCH NAME: Central Justice Center	FOR COURT USE ONLY FILED SUPERIOR COURT OF CALIFORNIA COUNTY OF ORANGE Oct 27, 2009 ALAN CARLSON, Clerk of the Court By: Carolyn Reza, Deputy
PLAINTIFF: Jessica Urso	
DEFENDANT: Wells Fargo Bank, N.A.	
SHORT TITLE: Urso vs. Wells Fargo Bank	
NOTICE OF HEARING	CASE NUMBER: 30-2009-00290980-CU-WT-CJC

Please take notice that a(n) Case Management Conference has been scheduled for hearing on 12/18/2009 at 02:00:00 PM in Department C03 of this court, located at Central Justice Center.

RECEIVED

OCT 30 2009

HODEL BRIGGS WINTER LLP

Clerk of the Court, By: Carolyn Reza, Deputy

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE

Central Justice Center
700 W. Civic Center Drive
Santa Ana 92702

SHORT TITLE: Urso vs. Wells Fargo Bank

CLERK'S CERTIFICATE OF SERVICE BY MAIL

CASE NUMBER:

30-2009-00290980-CU-WT-CJC

I certify that I am not a party to this cause. I certify that a true copy of the above NOTICE OF HEARING has been placed for collection and mailing so as to cause it to be mailed in a sealed envelope with postage fully prepaid pursuant to standard court practices and addressed as indicated below. The certification occurred at Santa Ana, California on 10/27/2009. The mailing occurred at Sacramento, California on 10/28/2009.

Clerk of the Court, by: Carolyn Reza, Deputy

LAW OFFICE OF KRISTINE S. KARILA
2901 W COAST HIGHWAY # 200
NEWPORT BEACH, CA 92663

HODEL BRIGGS WINTER LLP
8105 IRVINE CENTER DRIVE #1400
IRVINE, CA 92618

SUPERIOR COURT OF CALIFORNIA
ORANGE COUNTY
P.O. Box 22014
Santa Ana 92702

81.CRT30-20091028.S11

HODEL BRIGGS WINTER LLP
8105 IRVINE CENTER DRIVE #1400
IRVINE, CA 92618



EXHIBIT F

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State, number, and address): Theresa A. Kading (SB#211469) Beth C. Kearney (SB#234716) HODEL BRIGGS WINTER LLP 8105 Irvine Center Drive, Suite 1400 Irvine, CA 92618 TELEPHONE NO.: (949) 450-8040 FAX NO. (Optional): (949) 450-8033 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Defendant Wells Fargo Bank, N.A. SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE STREET ADDRESS: 700 Civic Center Drive West MAILING ADDRESS: CITY AND ZIP CODE: Santa Ana, CA 92701 BRANCH NAME: Central Justice Center PLAINTIFF/PETITIONER: JESSICA URSO, an individual DEFENDANT/RESPONDENT: WELLS FARGO BANK, N.A., et al. (erroneously sued as WELLS FARGO BANK, a California Corporation)	FOR COURT USE ONLY 12/3 FILED SUPERIOR COURT OF CALIFORNIA COUNTY OF ORANGE CENTRAL JUSTICE CENTER DEC 03 2009 ALAN CARLSON, Clerk of the Court BY: <u>N. DORFMAN</u> , DEPUTY
CASE MANAGEMENT STATEMENT (Check one): <input checked="" type="checkbox"/> UNLIMITED CASE (Amount demanded exceeds \$25,000) <input type="checkbox"/> LIMITED CASE (Amount demanded is \$25,000 or less)	
CASE NUMBER: 30-2009 00290980 A CASE MANAGEMENT CONFERENCE is scheduled as follows: Date: December 18, 2009 Time: 2:00 p.m. Dept.: C03 Div.: Room: Address of court (if different from the address above): <input type="checkbox"/> Notice of Intent to Appear by Telephone, by (name):	

INSTRUCTIONS: All applicable boxes must be checked, and the specified information must be provided.

1. Party or parties (answer one):

- a. ☒ This statement is submitted by party (name): Wells Fargo Bank, N.A.
 b. ☐ This statement is submitted jointly by parties (names):

2. Complaint and cross-complaint (to be answered by plaintiffs and cross-complainants only)

- a. The complaint was filed on (date):
 b. ☐ The cross-complaint, if any, was filed on (date):

3. Service (to be answered by plaintiffs and cross-complainants only)

- a. ☐ All parties named in the complaint and cross-complaint have been served, or have appeared, or have been dismissed.
 b. ☐ The following parties named in the complaint or cross-complaint
 (1) ☐ have not been served (specify names and explain why not):
 (2) ☐ have been served but have not appeared and have not been dismissed (specify names):
 (3) ☐ have had a default entered against them (specify names):
 c. ☐ The following additional parties may be added (specify names, nature of involvement in case, and the date by which they may be served):

4. Description of case

- a. Type of case in ☒ complaint ☐ cross-complaint (Describe, including causes of action):

Plaintiff asserts causes of action for pregnancy disability discrimination, refusal to provide family leave to give birth, wrongful termination, and waiting time penalties for late payment of wages.

COPY

PLAINTIFF/PETITIONER: JESSICA URSO, an individual	CASE NUMBER:
DEFENDANT/RESPONDENT: WELLS FARGO BANK, N.A., et al. (erroneously sued as WELLS FARGO BANK, a California Corporation)	30-2009 00290980

4. b. Provide a brief statement of the case, including any damages. (If personal injury damages are sought, specify the injury and damages claimed, including medical expenses to date [indicate source and amount], estimated future medical expenses, lost earnings to date, and estimated future lost earnings. If equitable relief is sought, describe the nature of the relief.)

Plaintiff claims that Defendant wrongfully denied her request to work a reduced work schedule, which she claims was required because of her pregnancy. Plaintiff asserts that she was constructively discharged because Defendant denied her request to work a reduced work schedule. Defendant denied Plaintiff's request to work a reduced work schedule because Plaintiff's physician specifically stated that Plaintiff did not need to work a reduced work schedule because of her pregnancy and thus, Plaintiff's request was not medically supported. Plaintiff then walked off the job and never returned, thus resigning her employment with Defendant. Defendant denies that Plaintiff was damaged in any way by any act or omission of Defendant.

☐ (If more space is needed, check this box and attach a page designated as Attachment 4b.)

5. **Jury or nonjury trial**

The party or parties request ☐ a jury trial ☒ a nonjury trial. (If more than one party, provide the name of each party requesting a jury trial):

6. **Trial date**

- a. ☐ The trial has been set for (date):
- b. ☒ No trial date has been set. This case will be ready for trial within 12 months of the date of the filing of the complaint (if not, explain):

c. Dates on which parties or attorneys will not be available for trial (specify dates and explain reasons for unavailability):
Beth Kearney, counsel for Defendant, will be on maternity leave beginning on or about March 25, 2010, and returning on or about June 21, 2010. April 5, 2010, through April 30, 2010 -- lead counsel has two trials during this time period; May 24, 2010, through June 7, 2010 -- lead counsel has one trial during this time period.

7. **Estimated length of trial**

The party or parties estimate that the trial will take (check one):

- a. ☒ days (specify number): 5 to 7
- b. ☐ hours (short causes) (specify):

8. **Trial representation (to be answered for each party)**

The party or parties will be represented at trial ☒ by the attorney or party listed in the caption ☐ by the following:

- a. Attorney:
- b. Firm:
- c. Address:
- d. Telephone number:
- e. Fax number:
- f. E-mail address:
- g. Party represented:

☐ Additional representation is described in Attachment 8.

9. **Preference**

☐ This case is entitled to preference (specify code section):

10. **Alternative Dispute Resolution (ADR)**

- a. Counsel ☒ has ☐ has not provided the ADR information package identified in rule 3.221 to the client and has reviewed ADR options with the client.
- b. ☐ All parties have agreed to a form of ADR. ADR will be completed by (date):
- c. ☐ The case has gone to an ADR process (indicate status):

PLAINTIFF/PETITIONER: JESSICA URUJO, an individual	CAL. NUMBER: 30-2009 00290980
DEFENDANT/RESPONDENT: WELLS FARGO BANK, N.A., et al. (erroneously sued as WELLS FARGO BANK, a California Corporation)	

10. d. The party or parties are willing to participate in (check all that apply):

- (1) ☐ Mediation
- (2) ☐ Nonbinding judicial arbitration under Code of Civil Procedure section 1141.12 (discovery to close 15 days before arbitration under Cal. Rules of Court, rule 3.822)
- (3) ☐ Nonbinding judicial arbitration under Code of Civil Procedure section 1141.12 (discovery to remain open until 30 days before trial; order required under Cal. Rules of Court, rule 3.822)
- (4) ☐ Binding judicial arbitration
- (5) ☐ Binding private arbitration
- (6) ☐ Neutral case evaluation
- (7) ☐ Other (specify):

- e. ☐ This matter is subject to mandatory judicial arbitration because the amount in controversy does not exceed the statutory limit.
- f. ☐ Plaintiff elects to refer this case to judicial arbitration and agrees to limit recovery to the amount specified in Code of Civil Procedure section 1141.11.
- g. ☐ This case is exempt from judicial arbitration under rule 3.811 of the California Rules of Court (specify exemption):

11. Settlement conference

- ☒ The party or parties are willing to participate in an early settlement conference (specify when): Within 90 days of trial.

12. Insurance

- a. ☐ Insurance carrier, if any, for party filing this statement (name):
- b. Reservation of rights: ☐ Yes ☐ No
- c. ☐ Coverage issues will significantly affect resolution of this case (explain):

13. Jurisdiction

Indicate any matters that may affect the court's jurisdiction or processing of this case, and describe the status.

- ☐ Bankruptcy ☐ Other (specify):

Status:

14. Related cases, consolidation, and coordination

- a. ☐ There are companion, underlying, or related cases.
 - (1) Name of case:
 - (2) Name of court:
 - (3) Case number:
 - (4) Status:
- ☐ Additional cases are described in Attachment 14a.
- b. ☐ A motion to ☐ consolidate ☐ coordinate will be filed by (name party):

15. Bifurcation

- ☐ The party or parties intend to file a motion for an order bifurcating, severing, or coordinating the following issues or causes of action (specify moving party, type of motion, and reasons):

16. Other motions

- ☒ The party or parties expect to file the following motions before trial (specify moving party, type of motion, and issues):
Defendant anticipates that it will file a Motion for Summary Judgment.

PLAINTIFF/PETITIONER: JESSICA URSO, an individual	CASE NUMBER:
DEFENDANT/RESPONDENT: WELLS FARGO BANK, N.A., et al. (erroneously sued as WELLS FARGO BANK, a California Corporation)	30-2009 00290980

17. Discovery

- a. ☐ The party or parties have completed all discovery.
- b. ☒ The following discovery will be completed by the date specified (*describe all anticipated discovery*):

<u>Party</u>	<u>Description</u>	<u>Date</u>
Defendant	Written Discovery	June 2010
Defendant	Plaintiff's Deposition	January 2010
Defendant	Third Party Discovery	June 2010

- c. ☐ The following discovery issues are anticipated (*specify*):

18. Economic Litigation

- a. ☐ This is a limited civil case (i.e., the amount demanded is \$25,000 or less) and the economic litigation procedures in Code of Civil Procedure sections 90 through 98 will apply to this case.
- b. ☐ This is a limited civil case and a motion to withdraw the case from the economic litigation procedures or for additional discovery will be filed (*if checked, explain specifically why economic litigation procedures relating to discovery or trial should not apply to this case*):

19. Other issues

- ☐ The party or parties request that the following additional matters be considered or determined at the case management conference (*specify*):

20. Meet and confer

- a. ☒ The party or parties have met and conferred with all parties on all subjects required by rule 3.724 of the California Rules of Court (*if not, explain*):

- b. After meeting and conferring as required by rule 3.724 of the California Rules of Court, the parties agree on the following (*specify*):

21. Total number of pages attached (*if any*): _____

I am completely familiar with this case and will be fully prepared to discuss the status of discovery and ADR, as well as other issues raised by this statement, and will possess the authority to enter into stipulations on these issues at the time of the case management conference, including the written authority of the party where required.

Date: December 3, 2009

Beth C. Kearney

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY)

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY)

☐ Additional signatures are attached.

PROOF OF SERVICE

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss:

I am employed in the County of Orange, State of California. I am over the age of 18, and not a party to the within action. My business address is Hodel Briggs Winter LLP, 8105 Irvine Center Drive, Suite 1400, Irvine, CA 92618.

On **December 3, 2009**, I served the foregoing document(s) described as: **CASE MANAGEMENT STATEMENT** on the interested parties by placing a true and correct copy thereof in a sealed envelope(s) addressed as follows:

Kristine S. Karila
Law Offices of Kristine S. Karila
2901 W Coast Highway, Ste 200
Newport Beach, CA 92660
T: 949-481-6909
F: 949-481-6910

☒ **BY MAIL:** I caused such envelope, with postage thereon fully prepaid, to be placed in the United States mail at Irvine, California. I am readily familiar with the practice of Hodel Briggs Winter LLP for collection and processing correspondence for mailing. Under that practice, it would be deposited with the United States Postal Service on that same day with postage thereon fully prepaid at Irvine, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☐ **BY FACSIMILE:** I caused said document(s) to be transmitted to a facsimile machine maintained by the office of the addressee(s) at the facsimile machine number(s) indicated. Said facsimile number(s) are the most recent numbers appearing on documents filed and served by the addressee(s). I received electronic confirmation from the facsimile machine that said document was successfully transmitted without error. A copy of said electronic confirmation is maintained in this office.

☐ **BY OVERNIGHT DELIVERY:** I am readily familiar with the practice of Hodel Briggs Winter LLP for the collection and processing of correspondence for overnight delivery and know that the document(s) described herein will be deposited in a box or other facility regularly maintained by Federal Express for overnight delivery.

☒ **STATE:** I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on **December 3, 2009**, at Irvine, California.


Valerie Beechler

CM-110

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Law Office of Kristine S. Karila, SB No. 162239 2901 W. Coast Highway, Suite 200 Newport Beach, CA 92663 TELEPHONE NO.: 949-481-6909 FAX NO. (Optional): E-MAIL ADDRESS (Optional): karilalaw@att.net ATTORNEY FOR (Name): Jessica Urso	FOR COURT USE ONLY RECEIVED DEC 07 2009 HODEL BRIGGS WINTER LLP				
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Orange STREET ADDRESS: 700 Civic Center Drive West MAILING ADDRESS: CITY AND ZIP CODE: Santa Ana, CA 92701 BRANCH NAME: Central Justice Center	CASE NUMBER: 30-2009-00290980-CU-WT-CJC				
PLAINTIFF/PETITIONER: Jessica Urso DEFENDANT/RESPONDENT: Wells Fargo Bank					
<table style="width: 100%;"> <tr> <th colspan="2" style="text-align: center;">CASE MANAGEMENT STATEMENT</th> </tr> <tr> <td style="width: 50%; vertical-align: top;"> (Check one): <input checked="" type="checkbox"/> UNLIMITED CASE (Amount demanded exceeds \$25,000) </td> <td style="width: 50%; vertical-align: top;"> <input type="checkbox"/> LIMITED CASE (Amount demanded is \$25,000 or less) </td> </tr> </table>		CASE MANAGEMENT STATEMENT		(Check one): <input checked="" type="checkbox"/> UNLIMITED CASE (Amount demanded exceeds \$25,000)	<input type="checkbox"/> LIMITED CASE (Amount demanded is \$25,000 or less)
CASE MANAGEMENT STATEMENT					
(Check one): <input checked="" type="checkbox"/> UNLIMITED CASE (Amount demanded exceeds \$25,000)	<input type="checkbox"/> LIMITED CASE (Amount demanded is \$25,000 or less)				
A CASE MANAGEMENT CONFERENCE is scheduled as follows: Date: December 18, 2009 Time: 2:00 p.m. Dept.: C-03 Div.: Room: Address of court (if different from the address above): <input type="checkbox"/> Notice of Intent to Appear by Telephone, by (name):					

INSTRUCTIONS: All applicable boxes must be checked, and the specified information must be provided.

1. **Party or parties (answer one):**
 - a. ☒ This statement is submitted by party (name): **Jessica Urso**
 - b. ☐ This statement is submitted jointly by parties (names):
2. **Complaint and cross-complaint (to be answered by plaintiffs and cross-complainants only)**
 - a. The complaint was filed on (date): **August 5, 2009**
 - b. ☐ The cross-complaint, if any, was filed on (date):
3. **Service (to be answered by plaintiffs and cross-complainants only)**
 - a. ☒ All parties named in the complaint and cross-complaint have been served, or have appeared, or have been dismissed.
 - b. ☐ The following parties named in the complaint or cross-complaint
 - (1) ☐ have not been served (specify names and explain why not):
 - (2) ☐ have been served but have not appeared and have not been dismissed (specify names):
 - (3) ☐ have had a default entered against them (specify names):
 - c. ☐ The following additional parties may be added (specify names, nature of involvement in case, and the date by which they may be served):
4. **Description of case**
 - a. Type of case in ☒ complaint ☐ cross-complaint (Describe, including causes of action):
Employment Discrimination - Pregnancy; Refusal to Accommodate or to allow Family Leave to Give Birth

CM-110

PLAINTIFF/PETITIONER: Jessica Urso	CASE NUMBER:
DEFENDANT/RESPONDENT: Wells Fargo Bank	30-2009-00290980-CU-WT-CJC

4. b. Provide a brief statement of the case, including any damages. (If personal injury damages are sought, specify the injury and damages claimed, including medical expenses to date [indicate source and amount], estimated future medical expenses, lost earnings to date, and estimated future lost earnings. If equitable relief is sought, describe the nature of the relief.)

Jessica Urso was employed by Wells Fargo. Ms. Urso became pregnant and early in the pregnancy, experienced complications which required her to reduce her stress level. Her physician advised her to reduce work hours to 30/week. Wells Fargo accommodated the request for awhile, but then Ms. Urso's supervisor and Human Resource Department decided that Ms. Urso must work 40 hours or "find a new job." Ms. Urso was advised that her request to reduce her work hours and to take 6-8 weeks from work to give birth and bond with her infant was DENIED because she was not "completely incapacitated" or "required to lay in bed all day." Ms. Urso considered her employment to be constructively terminated.

☐ (If more space is needed, check this box and attach a page designated as Attachment 4b.)

5. **Jury or nonjury trial**

The party or parties request ☒ a jury trial ☐ a nonjury trial. (If more than one party, provide the name of each party requesting a jury trial):

6. **Trial date**

- a. ☐ The trial has been set for (date):
 b. ☒ No trial date has been set. This case will be ready for trial within 12 months of the date of the filing of the complaint (if not, explain):

c. Dates on which parties or attorneys will not be available for trial (specify dates and explain reasons for unavailability):

7. **Estimated length of trial**

The party or parties estimate that the trial will take (check one):

- a. ☒ days (specify number): Five
 b. ☐ hours (short causes) (specify):

8. **Trial representation (to be answered for each party)**

The party or parties will be represented at trial ☒ by the attorney or party listed in the caption ☐ by the following:

- a. Attorney:
 b. Firm:
 c. Address:
 d. Telephone number:
 e. Fax number:
 f. E-mail address:
 g. Party represented:

☐ Additional representation is described in Attachment 8.

9. **Preference**

☐ This case is entitled to preference (specify code section):

10. **Alternative Dispute Resolution (ADR)**

- a. Counsel ☒ has ☐ has not provided the ADR information package identified in rule 3.221 to the client and has reviewed ADR options with the client.
 b. ☐ All parties have agreed to a form of ADR. ADR will be completed by (date):
 c. ☐ The case has gone to an ADR process (indicate status):

CM-110

PLAINTIFF/PETITIONER: Jessica Urso	CASE NUMBER:
DEFENDANT/RESPONDENT: Wells Fargo Bank	30-2009-00290980-CU-WT-CJC

10. d. The party or parties are willing to participate in (check all that apply):

- (1) ☒ Mediation
 (2) ☐ Nonbinding judicial arbitration under Code of Civil Procedure section 1141.12 (discovery to close 15 days before arbitration under Cal. Rules of Court, rule 3.822)
 (3) ☐ Nonbinding judicial arbitration under Code of Civil Procedure section 1141.12 (discovery to remain open until 30 days before trial; order required under Cal. Rules of Court, rule 3.822)
 (4) ☐ Binding judicial arbitration
 (5) ☐ Binding private arbitration
 (6) ☐ Neutral case evaluation
 (7) ☒ Other (specify):

Mandatory Settlement Conference in February, 2010

- e. ☐ This matter is subject to mandatory judicial arbitration because the amount in controversy does not exceed the statutory limit.
 f. ☐ Plaintiff elects to refer this case to judicial arbitration and agrees to limit recovery to the amount specified in Code of Civil Procedure section 1141.11.
 g. ☐ This case is exempt from judicial arbitration under rule 3.811 of the California Rules of Court (specify exemption):

11. Settlement conference

- ☒ The party or parties are willing to participate in an early settlement conference (specify when):
 January or February, 2010

12. Insurance

- a. ☐ Insurance carrier, if any, for party filing this statement (name):
 b. Reservation of rights: ☐ Yes ☐ No
 c. ☐ Coverage issues will significantly affect resolution of this case (explain):

13. Jurisdiction

Indicate any matters that may affect the court's jurisdiction or processing of this case, and describe the status.

- ☐ Bankruptcy ☐ Other (specify):

Status:

14. Related cases, consolidation, and coordination

- a. ☐ There are companion, underlying, or related cases.
 (1) Name of case:
 (2) Name of court:
 (3) Case number:
 (4) Status:
☐ Additional cases are described in Attachment 14a.
 b. ☐ A motion to ☐ consolidate ☐ coordinate will be filed by (name party):

15. Bifurcation

- ☐ The party or parties intend to file a motion for an order bifurcating, severing, or coordinating the following issues or causes of action (specify moving party, type of motion, and reasons):

16. Other motions

- ☐ The party or parties expect to file the following motions before trial (specify moving party, type of motion, and issues):

CM-110

PLAINTIFF/PETITIONER: Jessica Urso	CASE NUMBER:
DEFENDANT/RESPONDENT: Wells Fargo Bank	30-2009-00290980-CU-WT-CJC

17. Discovery

- a. ☐ The party or parties have completed all discovery.
- b. ☒ The following discovery will be completed by the date specified (*describe all anticipated discovery*):

<u>Party</u>	<u>Description</u>	<u>Date</u>
Plaintiff	Deposition of Supervisor	12/16/09
Plaintiff	Request for Documents	12/10/09
Plaintiff	Interrogatories, Req. for Admissions	12/10/09
Plaintiff	Treating Physicians Depositions	12/31/09
Defendants' written discovery to be	responded to by Plaintiff - 12/24/09	

- c. ☐ The following discovery issues are anticipated (*specify*):

18. Economic litigation

- a. ☐ This is a limited civil case (i.e., the amount demanded is \$25,000 or less) and the economic litigation procedures in Code of Civil Procedure sections 90 through 98 will apply to this case.
- b. ☐ This is a limited civil case and a motion to withdraw the case from the economic litigation procedures or for additional discovery will be filed (*if checked, explain specifically why economic litigation procedures relating to discovery or trial should not apply to this case*):

19. Other issues

- ☐ The party or parties request that the following additional matters be considered or determined at the case management conference (*specify*):

20. Meet and confer

- a. ☒ The party or parties have met and conferred with all parties on all subjects required by rule 3.724 of the California Rules of Court (*if not, explain*):

- b. After meeting and conferring as required by rule 3.724 of the California Rules of Court, the parties agree on the following (*specify*): Early MSC, possible mediation


21. Total number of pages attached (*if any*): _____

I am completely familiar with this case and will be fully prepared to discuss the status of discovery and ADR, as well as other issues raised by this statement, and will possess the authority to enter into stipulations on these issues at the time of the case management conference, including the written authority of the party where required.

Date: 12/4/09

Kristine S. Karila

(TYPE OR PRINT NAME)

▶ 
(SIGNATURE OF PARTY OR ATTORNEY)

(TYPE OR PRINT NAME)

▶ _____
(SIGNATURE OF PARTY OR ATTORNEY)

☐ Additional signatures are attached.

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF ORANGE

I, the undersigned, am employed in the aforesaid county; I am over the age of 18 years and not a party to this action; my business address is 2901 W. Coast Highway, Suite 200, Newport Beach, CA 92663.

On December 4, 2009, I served the document entitled Case Management Statement by placing a true copy thereof, enclosed in a sealed envelope, addressed as follows:

Theresa A. Kading, Esq.
Hodel Briggs Winter, LLP
8105 Irvine Center Drive, Suite 1400
Irvine, CA 92618

XX BY MAIL

On December 4, 2009, I deposited a sealed envelope containing the document described above in the mail at Laguna Niguel, CA. The envelope was mailed with postage thereon fully prepaid.

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice, it would be deposited with the U.S. Postal Service on that same day, with postage thereon fully prepaid, at Laguna Niguel, CA, in the ordinary course of business. I am aware that, on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing an affidavit.

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on December 4, 2009 at Laguna Niguel, California.



Kristine S. Karila

EXHIBIT G

1 GLENN L. BRIGGS (SB# 174497)
Email: gbriggs@hbwillp.com
2 THERESA A. KADING (SB# 211469)
Email: tkading@hbwillp.com
3 BETH C. KEARNEY (SB# 234762)
Email: bkearney@hbwillp.com
4 HODEL BRIGGS WINTER LLP
8105 Irvine Center Drive, Suite 1400
5 Irvine, CA 92618
Telephone: (949) 450-8040
6 Facsimile: (949) 450-8033

7 Attorneys for Defendant
WELLS FARGO BANK, N.A. (erroneously sued herein as
8 "WELLS FARGO BANK, a California Corporation")

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF ORANGE, CENTRAL JUSTICE CENTER
11

12 JESSICA URSO, an individual,

13 Plaintiff,

14 vs.

15 WELLS FARGO BANK, a California
Corporation, and DOES 1 through 20,
16 inclusive,

17 Defendant.
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CASE NO. 30-2009 00290980

Assigned for All Purposes to The Honorable
Kazuharu Makino, Department C3

**NOTICE TO ADVERSE PARTY OF
REMOVAL OF CIVIL ACTION TO
THE UNITED STATES DISTRICT
COURT UNDER 28 U.S.C. SECTIONS
1441(b), (c), 1446(b), 1367(a)**

[Complaint Filed: August 5, 2009]

1 TO PLAINTIFF JESSICA URSO AND HER ATTORNEYS OF RECORD:
2

3 PLEASE TAKE NOTICE THAT a Notice of Removal of this action was
4 filed in the United States District Court for the Central District of California on January
5 21, 2010. A copy of said Notice of Removal and supporting exhibits are attached to this
6 Notice, and are served and filed herewith.
7

8 Dated: January 20, 2010
9

HODEL BRIGGS WINTER LLP
GLENN L. BRIGGS
THERESA A. KADING
BETH C. KEARNEY
10

11
12 By: 
13

BETH C. KEARNEY

14 Attorneys for Defendant
15 WELLS FARGO BANK, N.A. (erroneously sued
16 herein as "WELLS FARGO BANK, a California
17 Corporation")
18
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EXHIBIT H

1 GLENN L. BRIGGS (SB# 174497)
Email: gbriggs@hbwillp.com
2 THERESA A. KADING (SB# 211469)
Email: tkading@hbwillp.com
3 BETH C. KEARNEY (SB# 234762)
Email: bkearney@hbwillp.com
4 HODEL BRIGGS WINTER LLP
8105 Irvine Center Drive, Suite 1400
5 Irvine, CA 92618
Telephone: (949) 450-8040
6 Facsimile: (949) 450-8033

7 Attorneys for Defendant
WELLS FARGO BANK, N.A. (erroneously sued herein as
8 "WELLS FARGO BANK, a California Corporation")

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 COUNTY OF ORANGE, CENTRAL JUSTICE CENTER

11
12 JESSICA URSO, an individual,

13 Plaintiff,

14 vs.

15 WELLS FARGO BANK, a California
Corporation, and DOES 1 through 20,
16 inclusive,

17 Defendant.

CASE NO. 30-2009 00290980

Assigned for All Purposes to The Honorable
Kazuharu Makino, Department C3

**NOTICE TO STATE COURT OF
REMOVAL OF CIVIL ACTION TO
THE UNITED STATES DISTRICT
COURT UNDER 28 U.S.C. SECTIONS
1441(b), (c), 1446(b), 1367(a)**

[Complaint Filed: August 5, 2009]

1 TO THE CLERK OF THE SUPERIOR COURT FOR THE COUNTY OF ORANGE:
2

3 Attached hereto as Exhibit "1" is a true and correct copy of the Notice to
4 Adverse Party of Removal of this action to the United States District Court for the Central
5 District of California. The original Notice of Removal of Civil Action to United States
6 District Court (a true and correct copy of which is attached to Exhibit "1") was filed with
7 the United States District Court for the Central District of California on January 21, 2010.
8

9 The filing of said Notice of Removal affects the removal of the above-
10 entitled action from this Court.
11

12 Dated: January 20, 2010

13 HODEL BRIGGS WINTER LLP
14 GLENN L. BRIGGS
15 THERESA A. KADING
16 BETH C. KEARNEY

17 By: 

BETH C. KEARNEY

18 Attorneys for Defendant
19 WELLS FARGO BANK, N.A. (erroneously sued
20 herein as "WELLS FARGO BANK, a California
21 Corporation")
22
23
24
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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge James V. Selna and the assigned discovery Magistrate Judge is Robert N. Block.

The case number on all documents filed with the Court should read as follows:

SACV10- 91 JVS (RNBx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☐ **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☒ **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☐ **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

COPY

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEETI (a) PLAINTIFFS (Check box if you are representing yourself ☐)

JESSICA URSO, an individual

DEFENDANTS

WELLS FARGO BANK, a California Corporation, and
DOES 1 through 20, inclusive

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)

Kristine S. Karila (SB# 162239)
Law Office of Kristine S. Karila
2901 W. Coast Highway
Suite 200
Newport Beach, CA 92663
(949) 481-6909

Attorneys (If Known)

Beth C. Kearney (SB# 234762)
HODEL BRIGGS WINTER LLP
8105 Irvine Center Drive
Suite 1400
Irvine, CA 92618
(949) 450-8040

II. BASIS OF JURISDICTION (Place an X in one box only.)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only
(Place an X in one box for plaintiff and one for defendant.)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in this State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. ORIGIN (Place an X in one box only.)

- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify): ☐ 6 Multi-District Litigation ☐ 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check 'Yes' only if demanded in complaint.)CLASS ACTION under F.R.C.P. 23: ☐ Yes ☒ No☒ MONEY DEMANDED IN COMPLAINT: \$ at least \$50,000.00

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

Cause of Action under the Family Medical Leave Act - 29 U.S.C. Section 2601 et seq.

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES	CONTRACT	TORTS PERSONAL INJURY	TORTS PERSONAL PROPERTY	PRISONER PETITIONS	LABOR
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus	<input type="checkbox"/> 710 Fair Labor Standards Act
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 530 General	<input type="checkbox"/> 720 Labor/Mgmt. Relations
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act
<input type="checkbox"/> 450 Commerce/ICC Rates/etc.	<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Fed. Employers' Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 540 Mandamus/Other	<input type="checkbox"/> 740 Railway Labor Act
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine	BANKRUPTCY	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 790 Other Labor Litigation
<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act
<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans)	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 423 Withdrawal 28 USC 157	FORFEITURE/PENALTY	PROPERTY RIGHTS
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	CIVIL RIGHTS	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 810 Selective Service	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury	<input checked="" type="checkbox"/> 442 Employment	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 830 Patent
<input type="checkbox"/> 850 Securities/Commodities/Exchange	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 362 Personal Injury-Med Malpractice	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 840 Trademark
<input type="checkbox"/> 875 Customer Challenge 12 USC 3410	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 630 Liquor Laws	SOCIAL SECURITY
<input type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 445 American with Disabilities - Employment	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 861 HIA (1395ff)
<input type="checkbox"/> 891 Agricultural Act	REAL PROPERTY	IMMIGRATION	<input type="checkbox"/> 446 American with Disabilities - Other	<input type="checkbox"/> 650 Airline Regs	<input type="checkbox"/> 862 Black Lung (923)
<input type="checkbox"/> 892 Economic Stabilization Act	<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 462 Naturalization Application	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 660 Occupational Safety/Health	<input type="checkbox"/> 863 DIWC/DIWW (405(g))
<input type="checkbox"/> 893 Environmental Matters	<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 463 Habeas Corpus-Alien Detainee		<input type="checkbox"/> 690 Other	<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 894 Energy Allocation Act	<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 465 Other Immigration Actions			<input type="checkbox"/> 865 RSI (405(g))
<input type="checkbox"/> 895 Freedom of Info. Act	<input type="checkbox"/> 240 Torts to Land				FEDERAL TAX SUITS
<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice	<input type="checkbox"/> 245 Tort Product Liability				<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 290 All Other Real Property				<input type="checkbox"/> 871 IRS - Third Party 26 USC 7609

SACV10-00091 JVS(RNBX)

FOR OFFICE USE ONLY: Case Number:

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes

If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes

If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.

☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Orange	

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.

☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	South Dakota

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.

Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Orange	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER):

Beth C. Kearney

Date January 20, 2010

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))